

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Kim Duncan

Public Hearing: Yes: X No:

Notices Mailed On: 2-27-04 Published On: 2-26-04 Posted On: 2-27-04

TITLE: USE PERMIT NO. UP2003-59 and ENVIRONMENTAL ASSESSMENT NO. EA2004-3

Proposal: Request for approval of a 61,122 square foot religious facility in a vacant building located in the Industrial Park (MP) zoning district.

Location: 1494 California Circle

APN: 086-31-058 and 059

RECOMMENDATION: Approval with conditions

Applicants: Everlasting Private Foundation, 19770 Stevens Creek Boulevard, Cupertino, CA 95014

Property Owner: same as applicant

Previous Action(s): "S" Zone Approval and Amendments

General Plan Designation: Industrial Park

Present Zoning: Industrial Park with "S" Zone overlay (MP-S)

Existing Land Use: Vacant industrial buildings

Agenda Sent To: Applicant and property owner

Attachments: Plans, project description, environmental assessment EA2004-3, risk analysis

PJ# 3172

BACKGROUND

On April 7, 1983, the Planning Commission approved an "S" Zone application for development of a 5.43 acre parcel within the Dixon Landing Business Park for a 61,122 square foot research and development building. Subsequent approvals include "S" Zone Approval Amendments for building signage, roof screen and roll up door conversions

Site and Area Description

The project site is located in a vacant 61,122 square foot research and development building in the Dixon Landing Business Park, located south of Dixon Landing Road and east of I-880. The 5.45 acre parcel is bound to the west by California Circle, to the east by the Penitencia Creek and south of Dixon Landing Road.

Surrounding land uses to the north, west and south of the site include light industrial businesses, such as Ginix and Credence, as well as restaurants and hotels that serve the area, such as Starbucks and Residence Inn. Multi-family residential uses are located east of the Penitencia Creek and single-family residential uses north of Dixon Landing Road. The project site is designated by the Milpitas General Plan, as well as currently zoned, Industrial Park (MP).



THE APPLICATION

Pursuant to Milpitas Municipal Code Sections 35.04-4 (Industrial Park, Conditional Uses -- Churches) and Section 57.00 (Use Permits), the applicant is requesting approval of Use Permit No. UP2003-59 for a religious facility within the Industrial Park (MP) zoning district.

PROJECT DESCRIPTION

The applicant is proposing to operate a religious facility in a vacant, 1-story research and development building that was previously used as a training/education facility for Sun Microsystems in the Dixon Landing Business Park. Conversion of the 61,122 square foot building will take place in 2 phases of construction. The first phase will create a 4,485 square foot sanctuary to accommodate 299 parishioners, 2,244 square foot open office area and remodel existing bathrooms. The second phase of construction will increase the sanctuary to approximately 10,685 square feet (to accommodate 750 parishioners), choir room, 9,020 square foot multi-purpose room and remodel existing classrooms.

Table 1: Living Word Baptist Church Proposed Uses/Hours of Operation (on build-out)

Proposed Uses	Proposed Hours of Operation	Proposed Days of Operation
<ul style="list-style-type: none"> Administrative offices 	9:00 a.m.-3:00 p.m.	Sunday
<ul style="list-style-type: none"> Church services and study classes 	10:00 a.m.-12:30 p.m.	
<ul style="list-style-type: none"> Closed 		Monday
<ul style="list-style-type: none"> Administrative offices 	9:00 a.m. – 5:00 p.m.	Tuesday-Thursday
<ul style="list-style-type: none"> Bible study 	9:30 a.m.-11:30 a.m.	
<ul style="list-style-type: none"> Evening bible study and teacher's meetings 	7:30 p.m.-9:30 p.m.	
<ul style="list-style-type: none"> Administrative offices 	9:00 a.m. – 5:00 p.m.	Friday
<ul style="list-style-type: none"> Youth activities and prayer night 	7:30 p.m.-11:00 p.m.	
<ul style="list-style-type: none"> Administrative offices 	9:00 a.m.-5:00 p.m	Saturday
<ul style="list-style-type: none"> Korean study 	9:00 a.m.-12:00 p.m	
<ul style="list-style-type: none"> Young adult fellowship 	6:30 p.m.-10:00 p.m	

Proposed uses of the religious facility upon build-out (see Table 1 above) include administrative offices, worship services, bible study, training, youth activities, and Korean study. Though religious instruction will be provided, the project will not be operating as a school, as defined in the Milpitas Zoning Ordinance, Section 2.69 (institutions that offer instruction required for public schools by the California State Education Code). The proposed hours of operation will be Tuesday through Sunday for administrative office uses and small group bible study, as well as Tuesday through Saturday evenings for religious study and fellowship activities. In addition, cultural study will be held on Saturday mornings. The project does not include exterior modifications to the existing building.

ISSUES

Conformance with the General Plan

The proposed use does not conflict with any General Plan policies, and is consistent with Guiding Principle 2.d-G-2, which encourages development of adequate civic, recreational and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth. While the site is located amidst industrial uses, on a larger scale, the location provides convenient access to parishioners who live both in the City and in nearby communities.

Conformance with the Zoning Ordinance

The proposed church facility is consistent with the "MP" Zoning District in terms of land use, which conditionally permits religious facilities (churches), following review and approval by the Planning Commission. Due to the off-hours operation of the proposed project, and implementation of mitigation measures for the project, the proposed use, as conditioned, will not be detrimental or injurious to property or improvements in the vicinity, nor to the public health, safety, and general welfare.

The proposed church facility is also consistent with the Zoning Ordinance in terms of traffic/circulation and promoting the public health, safety, peace, morals, comfort and welfare consistent with Section 57 of the Milpitas Zoning Ordinance. The religious facility is located in a vacant industrial building easily accessible from I-880 and Dixon Landing Road, and will generate less off-site traffic than the existing research and development use. In addition, the applicant will be required to implement mitigation measures that include an evacuation/shelter-in place, Emergency Action Plan and annual reviews by the Fire Department.

Religious use in industrial zoning district

Since the City incorporated in 1954, religious facilities have been allowed in Industrial zoning districts with conditional use permit approval from the Planning Commission. According to staff research, the Planning Commission has approved at least seven (7) use permits for religious facilities in industrial zoned districts since 1990.

Parking

The zoning ordinance sets a minimum parking standard for religious facilities based on seating or occupancy of the sanctuary or main assembly area, as well as number of classrooms and square footage of office space. The minimum standard is one space per five (5) seats (or its equivalent), plus 1 space per classroom and 1 space per 200 square feet of office space. Based on church facility peak occupancy time of 10:00 a.m. to 12:30 p.m. the minimum required parking for this project is 199 parking spaces (See Table 2 below). When this site was developed, parking was based on 1 space per 300 square foot ratio for research and development uses, requiring 203 parking spaces. However, according to plans submitted by the applicant, there are 299 existing parking spaces provided on the site. Therefore, staff is confident there is more than adequate parking to accommodate the proposed project parking needs.

Table 2-Living Word Baptist Church Parking Requirements

Use	Parking ordinance requirement	Parking required
Sanctuary	1 space per 5 seats	150 spaces
Classrooms	1 space per classroom	20 spaces
Offices	1 space per 200 sq.ft. net floor area	29 spaces
Total required		199 spaces

Environmental Review

An Initial Study (EA2004-3) and a Mitigated Negative Declaration have been prepared for this project. The twenty-day public review period was from February 20, 2004 to March 10, 2004. Any comments received will be presented at the public hearing for this project. The

environmental impact assessment identifies a potential impact related to Hazards and Hazardous Materials.

Hazardous Materials: Due to the project's concentration of children and elderly (defined as "sensitive receptors" by CEQA) within close proximity to surrounding industrial uses, a hazardous materials risk appraisal was prepared by Toxichem Management Systems (February 3, 2004). The hazardous materials risk appraisal evaluated the project site, hazardous materials used by all industrial businesses within 1,000 feet to the east, south and west of the project site, as well as 2,000 feet to the north, and the likelihood of an accidental spill or release. This analysis indicated that 4 of the 18 industrial businesses evaluated use liquid hazardous materials, such as gasoline and isopropyl alcohol, and compressed gases, such as acetylene, nitrogen and propane. Based on a worst-case evaluation for gasoline, solvent and compressed gas releases, the appraisal determined the greatest potential impact would be from a gasoline spill incident.

The Mitigated Negative Declaration contains four mitigation measures addressing the hazardous materials to reduce the potential for significant impact related to an accidental spill or leak. The mitigation measures include 1) installation of a wind directional sock, in-place communication system, and manual shutoff ventilation system, 2) an emergency response plan (Plan) for the religious facility to be prepared and approved by the City's Fire Department, which must include provisions for on-site sheltering and evacuation of the proposed religious facility, 3) an annual update of the emergency response plan with the Milpitas Fire Department, and 4) annual review of the risk appraisal and installation of additional safety devices as a result of changes in uses in the surrounding area. The implementation of these four mitigation measures, which have been incorporated as Conditions of Approval, will reduce the potential impacts to less than significant.

Long Term Impacts

The proposed project is for the operation of a religious facility located in an existing Industrial Park (MP) zoning district. As conditioned, the applicant will be responsible for annually updating and modifying the required Emergency Action Plan for Fire Department approval as new tenants and hazardous materials are introduced into the industrial business park. The proposed project, as conditioned, will not require more restrictive standards for future tenants of the business park because of the religious facility.

Solid Waste/Recycling

The applicant is not proposing any new garbage facilities. It is expected that the new use would not generate higher levels of garbage than the previous research and development use, therefore it is anticipated the existing waste/recycling facilities would be adequate to serve the new use. However, as a condition of approval, staff recommends the applicant submit evidence to the City that minimum refuse and recycling services have been subscribed for the project.

Neighborhood/Community Impact

As conditioned, the proposed religious facility is not anticipated to create a negative community impact. The project is well suited to the site and peak-parking demands will occur on weekends and four evenings a week, which is not when neighboring tenants experience their peak demand. Therefore, staff concludes that the project, as conditioned, will not negatively impact the surrounding neighborhood.

Communications

Staff received one telephone communication regarding the proposed religious facility from an adjacent resident who expressed support for the project. Any future communications will be presented to the Planning Commission during the public hearing.

RECOMMENDATION

Close the Public Hearing. Adopt Initial Study and Negative Declaration No. EA2004-3 and approve Use Permit No. UP2003-59 based on the Findings and Special Conditions of Approval listed below:

FINDINGS

1. The proposed project, as mitigated, will not create any significant environmental impacts as defined by the California Environmental Quality Act.
2. The proposed religious facility complies with the City's Zoning Ordinance in terms of land use and development standards as religious facilities are conditionally allowed in the Industrial Park (MP) zoning district and no exterior modifications are proposed.
3. The project is consistent with the Milpitas General Plan in terms of land use and Guiding Principle 2.d-G-2, which encourages development of adequate civic, recreational and cultural centers in locations for the best service to the community in that it provides a religious facility in a location that will serve the both the immediate and larger neighborhood (Citywide).
4. As conditioned, the project is not anticipated to result in a negative community impact as religious facilities are allowed with appropriate conditions within the Industrial Park (MP) zoning district.

SPECIAL CONDITIONS

1. This Use Permit No. UP2003- 59 approval is for an approximate 61,122 square foot, religious facility campus within an existing industrial buildings as shown on the approved plans dated March 10, 2004. This approval is not for child day care facilities, operation as a school (as defined by Section 2.69 of the Milpitas Zoning Ordinance), or for any exterior modifications to the existing building. Any future modification to the project as proposed will require an "S" Zone Approval Amendment and/or Use Permit Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for processing pursuant to Section 42 of the zoning ordinance. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
3. The applicant shall submit a detailed sanctuary seating plan with an application for building permit to the City for review and approval. (P)
4. *(Mitigation Measure 1.) The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow*

and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy. (P,F)

5. (Mitigation Measure 2.) The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan. (P,F)
6. (Mitigation Measure 3) The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred. (P,F)
7. (Mitigation Measure 4) The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards of the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area. (P,F)
8. All roof-top equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment which projects above the height of any existing parapet wall or screen, detailed architectural plans for the screening of this equipment and/or a line-of-sight view analysis demonstrating that the equipment will not be visible from surrounding view points shall be reviewed and approved as specified in Section CI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles. (P)
9. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
10. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
11. Any occupancy of the tenant space for a religious facility shall not occur until all conditions of approval have been satisfied and verified by the City. (P)

12. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)

13. Prior to occupancy permit issuance, the property owner/manager shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services:

a). An adequate level of service for trash collection, minimum of one 4cyd bin collected once a week.

b). An adequate level of recycling collection, minimum of one 4cyd bin collected once a week.

After the applicant has started its business, BFI commercial representative shall determine the adequacy of the solid waste level of services. If services found to be inadequate, the property owner/manager shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)

14. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance by the Building Division. Contact the Land Development Section at (408) 586-3329 to obtain the form(s)/ (E)

(P) = Planning Division

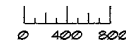
(E) = Engineering

LIVING WORD BAPTIST CHURCH

1494 CALIFORNIA CIRCLE, MILPITAS, CALIFORNIA



SCALE: 1" = 400'



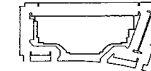
LIVING WORD
BAPTIST
CHURCH

Milpitas,
California

EVERLASTING
FOUNDATION

Ko
ARCHITECTS INC.

900 High Street, Suite 1
Folsom, CA 95630
(916) 953-1000



KEY MAP

PROJECT TEAM

CLIENT/OWNER:
EVERLASTING FOUNDATION
8710 STEVENSON BLVD.
CLIFTON, CA 94614
Phone: (415) 343-1000
Fax: (415) 343-1000
Contact: TODD LEE
Email: TODDLEE@AOL.COM

ARCHITECT:
KO ARCHITECTS, INC.
3000 HIGH STREET, SUITE 1
FOLSOM, CA 95630
Phone: (916) 953-1000
Fax: (916) 953-1000
Contact: MARK TANG
Email: MARKTANG@AOL.COM

STRUCTURAL:
PEOPLES ASSOCIATES STRUCT. ENG.
100 S. MAIN STREET
MILPITAS, CA 95035
Phone: (408) 951-5000
Fax: (408) 951-5000
Contact: DONALD PEOPLES
Email: DPEOPLES@PEOPLES.COM

ENVIRONMENTAL:
MERRIS & ASSOCIATES
1504 THE ALAMEDA
SAN JOSE, CA 95046
Phone: (408) 554-6552
Fax: (408) 554-6551
Contact: RICH THOMAS, DAN FERNANDEZ
Email: RTHOMAS@AOL.COM

PROJECT DATA

SITE ADDRESS 1494 CALIFORNIA CIRCLE
MILPITAS, CALIFORNIA

USE ZONE PD MP-S

OCCUPANCY B, E-2, A-3

SITE AREA 5.452 AC

BUILDING AREA 61,122 SF.

SITE COVERAGE 25.5 %

EXISTING PARKING 229 STALLS

REQUIRED PARKING:

PHASE I CONGREGATION = 1 STALL PER 5 SEATS
293 PEOPLE/5
60 STALLS REQUIRED
OTHER PARKING = 229 PROVIDED - 60
169 STALLS FOR OTHER USES

PHASE II CONGREGATION = 1 STALL PER 5 SEATS
150 PEOPLE/5
150 STALLS REQUIRED
OTHER PARKING = 229 PROVIDED - 150
79 STALLS FOR OTHER USES

* NOTE: FOR PARKING CALCULATION BREAKDOWN, SEE SHEET A-01 & A-02

PARKING RATIO 1/239 SF.

PAVEMENT SURFACE AREA (INCLUDING PARKING) 92,011 SF. = 38.9%

LANDSCAPE AREA 84,290 SF. = 35.6%

SHEET INDEX

ARCHITECTURAL:

A00 COVER SHEET/PROJECT INFO.

A01 PARKING & BLDG. CODE ANALYSIS- PHASE I

A02 PARKING & BLDG. CODE ANALYSIS- PHASE II

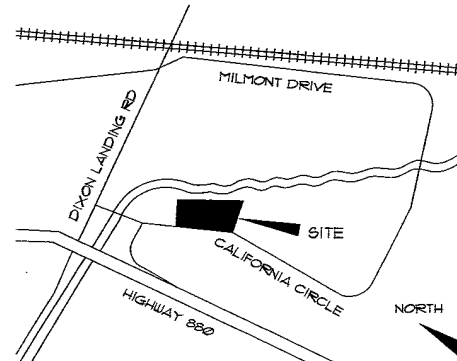
A10 PRELIMINARY SITE PLAN

A200 FLOOR PLAN A

A205 FLOOR PLAN B

A30 ELEVATIONS

VICINITY MAP



PROJECT DESCRIPTION

(PHASE I): OBTAIN A USE PERMIT TO USE 4,400 SF OF EXISTING SPACE TO SERVE AS A TEMPORARY SANCTUARY FOR 293 PEOPLE WITH FIXED SEATING FOR IMMEDIATE USE.

(PHASE II): OBTAIN A USE PERMIT FOR A SECOND PHASE WHICH WOULD INCLUDE CONVERTING FORMER OFFICE AREA TO A SECONDARY HALL, CONVERTING A FORMER STORAGE/LOADING AREA TO A MULTI-PURPOSE ROOM, AND CONVERTING THE PREVIOUS TEMPORARY SANCTUARY TO A PERMANENT SANCTUARY TO SEAT 250 PEOPLE WITH FIXED SEATING, AT 15,250 SF.

REVISION
CIP-PLANNING REPERITIAL 05-20-04
PER PLANNING 05-07-04

REV. NO. PROJECT NO. 05-10
DATE: DEC 1, 2003
DRAWN BY: SCALE:

COVER SHEET SHEET
A0.0

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RECEIVED
MAR 04 2004
CITY OF MILPITAS
PLANNING DIVISION

REQUIRED PARKING: PER CITY OF MILPITAS REQUIREMENTS, SECTION 53 OFF-STREET PARKING REGULATIONS
BASED UPON MOST INTENSIVE USE, WHICH IS SUNDAY MORNING BETWEEN 10:00AM TO 2:30PM. BREAKDOWN OF DAILY USE IS SHOWN ON THE ADJACENT TABLE.

USE	MAX NO. OF OCC.	SG FOOTAGE	REQUIREMENT RATIO	REQUIRED PARKING	REQUIRED PARKING STALLS
* LIVING WORD BIBLE STUDY 8:30AM-10:00PM, 10% OF THE PEOPLE ATTENDING LIVING WORD SERVICE	75	9335 SF	1 SPACE/CLASSROOM OR 1 SPACE/ 500 SF.	1 STALLS OR 9335/500 SF = 19 STALLS (WHICHEVER GREATER)	19 STALLS
* TEEN KID WORSHIP 10:00AM-12:30PM, 75 CHILDREN MAX	75	3171 SF	1 SPACE/CLASSROOM OR 1 SPACE/ 500 SF.	2 STALLS OR 3171/500 SF = 7 STALLS (WHICHEVER GREATER)	6 STALLS
* DREAMLAND WORSHIP 10:00AM-12:30PM, 35 CHILDREN MAX	35	5500 SF	1 SPACE/CLASSROOM OR 1 SPACE/ 500 SF.	2 STALLS OR 5500/500 SF = 11 STALLS (WHICHEVER GREATER)	6 STALLS
* TODDLER CARE 10:00AM-12:30PM, 12 CHILDREN MAX	12	1036 SF	1 SPACE/CLASSROOM OR 1 SPACE/ 500 SF.	2 STALLS OR 1036/500 SF = 4 STALLS (WHICHEVER GREATER)	4 STALLS
* GENERAL SERVICE 8:30AM-12:30PM, 250 PEOPLE MAX	250	4485	1 SPACE/5 SEATS	250 SEATS/5 SEATS = 50 STALLS	50 STALLS
TOTAL PARKING REQUIRED					85 STALLS

* NOTE: ACTIVITY THAT OVERLAPS WITH THE FRAME OF GENERAL SERVICE OFFICES NOT OCCUPIED DURING SUNDAY MORNING SERVICES.

PARKING PROVIDED:

TOTAL PARKING STALLS: 225 STALLS (194 COMPACT STALLS
11 STANDARD STALLS
140 STALLS, 1 VAN STALL)

PARKING CALCULATION

1

CODE ANALYSIS & MIXED USE CALCULATIONS

1. NEW SANCTUARY & FELLOWSHIP/MULTI-PURPOSE ROOM

OCCUPANCY CLASSIFICATION ----- GROUP A-3
TYPE OF CONSTRUCTION ----- V-N
NUMBER OF STORIES PERMITTED ----- 2 STORIES (6,000 SF)
EXISTING NUMBER OF STORIES ----- 1
MAXIMUM HEIGHT PERMITTED ----- 40 FEET (TABLE 5-B)
EXISTING BUILDING HEIGHT ----- 11 FEET (EXISTING)
FIRE PROTECTION SYSTEM ----- AUTOMATIC FIRE SPRINKLERS

BASIC ALLOWABLE AREA (TABLE 5-B) ----- 6,000 SQ. FT.

INCREASE PERMITTED FOR SIDE YARDS RATE OF INCREASE 5% PER FOOT FOR YARDS OVER 20 FEET ON ALL SIDES UP TO 100% MAXIMUM INCREASE.

SECTION 50513 - SEPARATION ON ALL SIDES
SHALLEST EXISTING SETBACK IS 35 FT
35'-35' FTL = 5' OVER THE ALLOWED FTL SETBACK X 5% = 75% INCREASE

TOTAL ALLOWED SQUARE FOOTAGE ----- 6,000 SF + 75% INCREASE
6,000 SF + 4,500 SF = 10,500 SF ALLOWED

PER 505.3, FOR 1 STORY SPRINKLERED BUILDING FLOOR AREA MAY BE TRIPLED, THEREFORE, 10,500 SF X 3 = 31,500 SF ALLOWED

TOTAL PROPOSED SANCTUARY (WITH 750 FIXED SEATS)

* SANCTUARY ----- 4,485 SF

PROPOSED TOTAL ----- 4,485 SQ. FT.

* ALL SEATS IN SANCTUARY WILL BE FIXED TO CONCRETE FLOOR.

2. EXISTING OFFICE AREAS

OCCUPANCY CLASSIFICATION ----- GROUP D
TYPE OF CONSTRUCTION ----- V-N
NUMBER OF STORIES PERMITTED ----- 2 STORIES (6,000 SF)
EXISTING NUMBER OF STORIES ----- 1
MAXIMUM HEIGHT PERMITTED ----- 40 FEET (TABLE 5-B)
EXISTING BUILDING HEIGHT ----- 11 FEET (EXISTING)
FIRE PROTECTION SYSTEM ----- AUTOMATIC FIRE SPRINKLERS

BASIC ALLOWABLE AREA (TABLE 5-B) ----- 6,000 SQ. FT.

INCREASE PERMITTED FOR SIDE YARDS RATE OF INCREASE 5% PER FOOT FOR YARDS OVER 20 FEET ON ALL SIDES UP TO 100% MAXIMUM INCREASE.

SECTION 50513 - SEPARATION ON ALL SIDES
SHALLEST EXISTING SETBACK IS 35 FT
35'-35' FTL = 5' OVER THE ALLOWED FTL SETBACK X 5% = 75% INCREASE

TOTAL ALLOWED SQUARE FOOTAGE ----- 6,000 SF + 75% INCREASE
6,000 SF + 4,500 SF = 10,500 SF ALLOWED

PER 505.3, FOR 1 STORY SPRINKLERED BUILDING FLOOR AREA MAY BE TRIPLED, THEREFORE, 10,500 SF X 3 = 31,500 SF ALLOWED

TOTAL OFFICE SF (EXISTING) ----- 5,145 SF

3. EXISTING CLASSROOM AREAS

OCCUPANCY CLASSIFICATION ----- GROUP E-2
TYPE OF CONSTRUCTION ----- V-N
NUMBER OF STORIES PERMITTED ----- 1 STORIES (3,000 SF)
EXISTING NUMBER OF STORIES ----- 1
MAXIMUM HEIGHT PERMITTED ----- 40 FEET (TABLE 5-B)
EXISTING BUILDING HEIGHT ----- 11 FEET (EXISTING)
FIRE PROTECTION SYSTEM ----- AUTOMATIC FIRE SPRINKLERS

BASIC ALLOWABLE AREA (TABLE 5-B) ----- 3,000 SQ. FT.

INCREASE PERMITTED FOR SIDE YARDS RATE OF INCREASE 5% PER FOOT FOR YARDS OVER 20 FEET ON ALL SIDES UP TO 100% MAXIMUM INCREASE.

SECTION 50513 - SEPARATION ON ALL SIDES
SHALLEST EXISTING SETBACK IS 35 FT
35'-35' FTL = 5' OVER THE ALLOWED FTL SETBACK X 5% = 75% INCREASE

TOTAL ALLOWED SQUARE FOOTAGE ----- 3,000 SF + 75% INCREASE
3,000 SF + 2,250 SF = 5,250 SF ALLOWED

PER 505.3, FOR 1 STORY SPRINKLERED BUILDING FLOOR AREA MAY BE TRIPLED, THEREFORE, 5,250 SF X 3 = 15,750 SF ALLOWED

TOTAL CLASSROOM SF (EXISTING) ----- 1,668 SF

4. MIXED USE CALCULATION

MIXED USE OCCUPANCY CALCULATION			
USE	ACTUAL AREA	ALLOWABLE AREA (PERMITTED AREA)	RATIO
SANCTUARY/ FELLOWSHIP HALL	6,005 SF	30,480 SF	.31
FEJ OFFICE	5,145 SF	30,480 SF	.17
(E) CLASSROOMS	1,668 SF	41,775 SF	.04
SUM OF THE RATIOS			.52
			.52 > 1, THEREFORE, OK

**LIVING WORD
BAPTIST
CHURCH**

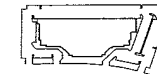
**Milpitas,
California**

EVERLASTING
FOUNDATION



ARCHITECTS INC.

900 High Street, Suite 1
Folsom, CA 95630
(916) 955-1500



KEY MAP

REVISION
CIP-PLANNING RESENTMENT 05-20-04
PER PLANNING 05-01-04

REV. 00001
PROJECT NO. 05-70
DATE DEC 1, 2003
DRAWN BY
SCALE AS SHOWN

PARKING & BUILDING CODE ANALYSIS
PHASE I
A-0.1

© K6 ARCHITECTS INC.

BUILDING CODE ANALYSIS

2

REQUIRED PARKING: PER CITY OF MILPITAS REQUIREMENTS, SECTION 53 OFF-STREET PARKING REGULATIONS
 BASED UPON MOST INTENSIVE USE WHICH IS SUNDAY MORNING BETWEEN 8:00AM TO 10:00PM. BREAKDOWN OF DAILY USE IS SHOWN ON THE ADJACENT TABLE.

USE		MAX NO. OF OCC.	SQ. FOOTAGE	REQUIREMENT RATIO	REQUIRED PARKING	REQUIRED PARKING STALLS
* LIVING WORD BIBLE STUDY	8:30AM-12:30PM, 15% OF THE PEOPLE ATTENDING LIVING WORD SERVICE	150	3024 SF	1 SPACE/CLASSROOM OR 1 SPACE/500 SF.	15 STALLS OR 3024/500 SF = 6 STALLS (WHICHEVER GREATER)	15 STALLS
* TEAM KID WORSHIP	10:00AM-12:30PM, 75 CHILDREN MAX	75	1500 SF	1 SPACE/ 4 SEATS	75/4 SEATS = 19 STALLS	19 STALLS
* DREAMLAND WORSHIP	10:00AM-12:30PM, 35-400 CHILDREN MAX	100	2067 SF	1 SPACE/CLASSROOM OR 1 SPACE/500 SF.	4 STALLS OR 2067/500 SF = 4 STALLS (WHICHEVER GREATER)	6 STALLS
* TODDLER CARE	10:00AM-12:30PM, 12-50 CHILDREN MAX	50	500 SF	1 SPACE/CLASSROOM OR 1 SPACE/500 SF.	1 STALLS OR 500/500 SF = 1 STALLS (WHICHEVER GREATER)	2 STALLS
* GENERAL SERVICE	8:30AM-12:30PM, 150 PEOPLE MAX	150	150	1 SPACE/5 SEATS	150 SEATS/5 SEATS = 30 STALLS	50 STALLS
TOTAL PARKING REQUIRED						136 STALLS

* NOTE: ACTIVITY THAT OVERLAPS WITH THE PROFILE OF GENERAL SERVICE OFFICES NOT OCCURRED DURING SUNDAY MORNING SERVICES.

PARKING PROVIDED:

TOTAL PARKING STALLS: 225 STALLS (104 COMPACT STALLS
 11 STANDARD STALLS
 1 HC STALLS, 1 VAN STALL)

PARKING CALCULATION 1

CODE ANALYSIS: 4 MIXED USE CALCULATIONS

1. NEW SANCTUARY & FELLOWSHIP HALL

OCCUPANCY CLASSIFICATION ----- GROUP A-2
 TYPE OF CONSTRUCTION ----- V-1 (NEW)
 NUMBER OF STORIES PERMITTED ----- 2 STORIES (6,000 SF)
 EXISTING NUMBER OF STORIES -----
 MAXIMUM HEIGHT PERMITTED ----- 40 FEET (TABLE 5-B)
 EXISTING BUILDING HEIGHT ----- 7 FEET (EXISTING)
 FIRE PROTECTION SYSTEM ----- AUTOMATIC FIRE SPRINKLERS

BASIC ALLOWABLE AREA (TABLE 5-B) ----- 10,500 SQ. FT.
 INCREASE PERMITTED FOR SIDE YARDS RATE OF INCREASE 5% PER FOOT FOR YARDS OVER 20 FEET ON ALL SIDES UP TO 100% MAXIMUM INCREASE.
 SECTION 50613 - SEPARATION ON ALL SIDES
 SMALLEST EXISTING SETBACK IS 35 FT
 $35' - 20' MIN. = 15'$ OVER THE ALLOWED 10% SETBACK X 5% = 75% INCREASE
 TOTAL ALLOWED SQUARE FOOTAGE ----- 15,750 SF + 10% INCREASE
 15,750 SF + 1,575 SF = 17,325 SF ALLOWED

PER 50613, FOR 1 STORY SPRINKLERED BUILDING, FLOOR AREA MAY BE TRIPLED, THEREFORE, 17,325 SF X 3 = 51,975 SF ALLOWED

TOTAL PROPOSED SANCTUARY & FELLOWSHIP HALL:
 * SANCTUARY ----- 30,480 SF (8TH TO 10TH FLOOR SEATS)
 * FELLOWSHIP HALL ----- 5,525 SF
 PROPOSED TOTAL ----- 36,005 SF

* ALL SEATS IN SANCTUARY WILL BE FIED TO CONCRETE FLOOR.

2. OFFICE AREAS

OCCUPANCY CLASSIFICATION ----- GROUP B
 TYPE OF CONSTRUCTION ----- V-1
 NUMBER OF STORIES PERMITTED ----- 2 STORIES (6,000 SF)
 EXISTING NUMBER OF STORIES -----
 MAXIMUM HEIGHT PERMITTED ----- 40 FEET (TABLE 5-B)
 EXISTING BUILDING HEIGHT ----- 7 FEET (EXISTING)
 FIRE PROTECTION SYSTEM ----- AUTOMATIC FIRE SPRINKLERS

BASIC ALLOWABLE AREA (TABLE 5-B) ----- 8,000 SQ. FT.
 INCREASE PERMITTED FOR SIDE YARDS RATE OF INCREASE 5% PER FOOT FOR YARDS OVER 20 FEET ON ALL SIDES UP TO 100% MAXIMUM INCREASE.
 SECTION 50613 - SEPARATION ON ALL SIDES
 SMALLEST EXISTING SETBACK IS 35 FT
 $35' - 20' MIN. = 15'$ OVER THE ALLOWED 10% SETBACK X 5% = 75% INCREASE
 TOTAL ALLOWED SQUARE FOOTAGE ----- 13,600 SF + 10% INCREASE
 13,600 SF + 1,360 SF = 14,960 SF ALLOWED

PER 50613, FOR 1 STORY SPRINKLERED BUILDING, FLOOR AREA MAY BE TRIPLED, THEREFORE, 14,960 SF X 3 = 44,880 SF ALLOWED

TOTAL OFFICE SF ----- 44,880 SF

3. CLASSROOM AREAS

OCCUPANCY CLASSIFICATION ----- GROUP E-2
 TYPE OF CONSTRUCTION ----- V-1
 NUMBER OF STORIES PERMITTED ----- 1 STORIES (3,000 SF)
 EXISTING NUMBER OF STORIES -----
 MAXIMUM HEIGHT PERMITTED ----- 40 FEET (TABLE 5-B)
 EXISTING BUILDING HEIGHT ----- 7 FEET (EXISTING)
 FIRE PROTECTION SYSTEM ----- AUTOMATIC FIRE SPRINKLERS

BASIC ALLOWABLE AREA (TABLE 5-B) ----- 3,000 SQ. FT.
 INCREASE PERMITTED FOR SIDE YARDS RATE OF INCREASE 5% PER FOOT FOR YARDS OVER 20 FEET ON ALL SIDES UP TO 100% MAXIMUM INCREASE.
 SECTION 50613 - SEPARATION ON ALL SIDES
 SMALLEST EXISTING SETBACK IS 35 FT
 $35' - 20' MIN. = 15'$ OVER THE ALLOWED 10% SETBACK X 5% = 75% INCREASE
 TOTAL ALLOWED SQUARE FOOTAGE ----- 4,500 SF + 10% INCREASE
 4,500 SF + 450 SF = 4,950 SF ALLOWED

PER 50613, FOR 1 STORY SPRINKLERED BUILDING, FLOOR AREA MAY BE TRIPLED, THEREFORE, 4,950 SF X 3 = 14,850 SF ALLOWED

TOTAL CLASSROOM SF ----- 14,850 SF

4. MIXED USE CALCULATION

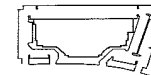
MIXED USE OCCUPANCY CALCULATION			
USE	ACTUAL AREA	ALLOWABLE AREA	RATIO
SANCTUARY/ FELLOWSHIP HALL	36,005 SF	51,975 SF	.69
OFFICE	44,880 SF	14,880 SF	.30
CLASSROOMS	14,850 SF	4,950 SF	.30
SUM OF THE RATIOS			.71
.71 < 1.0, THEREFORE, OK			

**LIVING WORD
 BAPTIST
 CHURCH**

Milpitas,
 California
 EVERLASTING
 FOUNDATION

K_o
 ARCHITECTS INC.

900 High Street, Suite 1
 Palo Alto, CA 94301
 (650) 853-1000



KEY MAP

BY: [Signature]
 CIP-PLANNING RESIDENTIAL 03-22-04
 PER-PLANNING 03-02-04

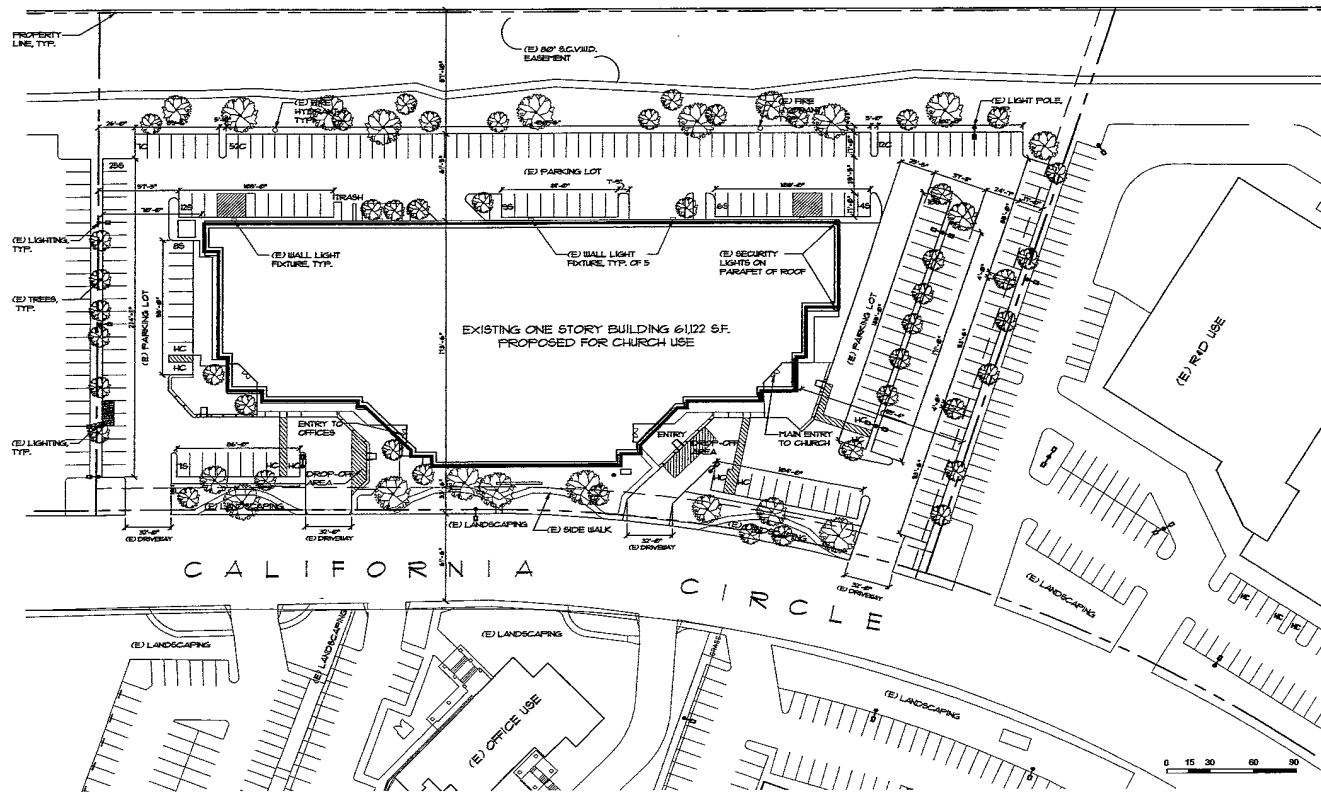
PROJECT NO. 03-70
 DATE: DEC 1, 2003
 DRAWN BY:
 SCALE: AS SHOWN

PARKING & BUILDING CODE ANALYSIS PHASE II
 SHEET
A-0.2

© 2003 ARCHITECTS, INC.

SEE SHEET A01, PARKING & BUILDING CODE ANALYSIS FOR
PARKING TABULATIONS

PENITENCIA CREEK



PRELIMINARY SITE PLAN 1"=30' 1

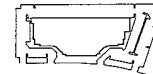
LIVING WORD BAPTIST CHURCH

Milpitas,
California

EVERLASTING
FOUNDATION

K_o
ARCHITECTS INC.

9001 High Street, Suite 1
Folsom, CA 95631
(916) 553-1000



KEY MAP

SHEET SIZE REDUCED
ORIGINAL 30 X 42
REFER TO GRAPHIC SCALE

REVISION	

REV. NORTH	PROJECT NO. 05-135
DATE	DEC 8, 2005
DRAWN BY	PTT
SCALE	1"=30'

PRELIMINARY
SITE
PLAN

SHEET
A10

© 2005 ARCHITECTS INC.

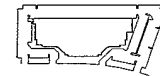
LIVING WORD
BAPTIST
CHURCH

Milpitas,
California

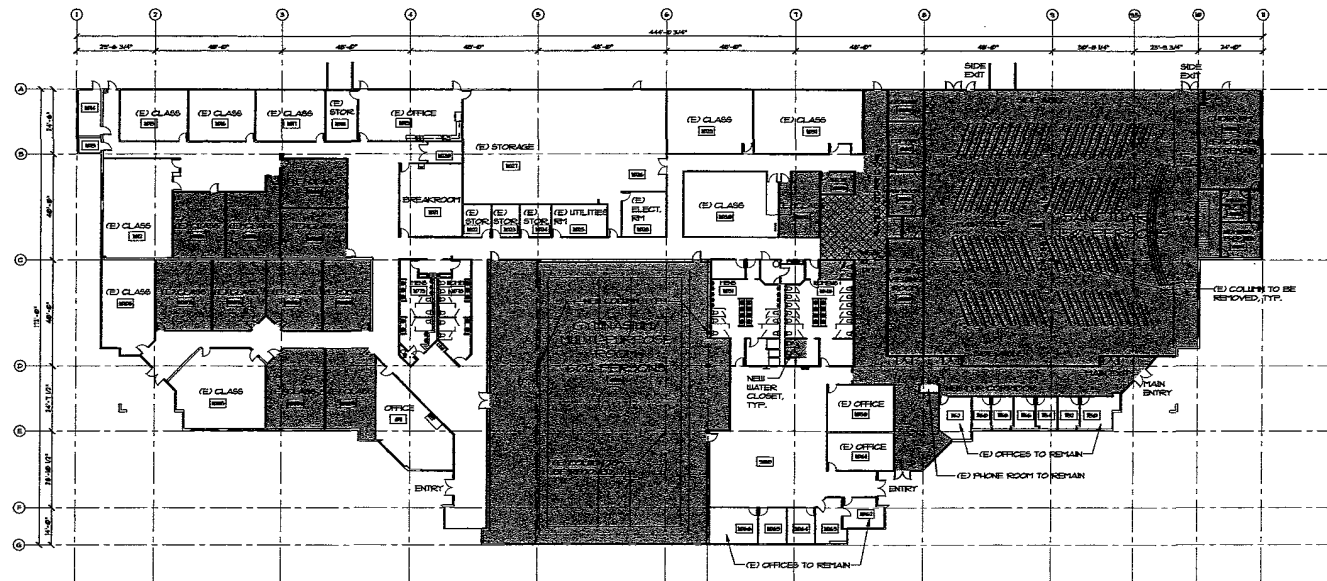
EVERLASTING
FOUNDATION



100 High Street, Suite 1
Palo Alto, CA 94301
(650) 853-1000



KEY MAP



0 8 16 32 48

OVERALL BUILDING FLOOR PLAN-PHASE II 1/8" 1

REVISION
CIP-PLANNING RESIDENTIAL 05-20-04
PER PLANNING 03-02-04

REV. NUMBER PROJECT NO. 05-70
DATE DEC 1, 2003
DESIGNED BY
SCALE AS SHOWN

PRELIMINARY SHEET
FLOOR PLAN
A2.0b
PHASE 2

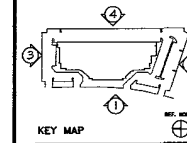
© KO ARCHITECTS INC.

LIVING WORD
BAPTIST
CHURCH

Milpitas,
California
EVERLASTING
FOUNDATION

K6
ARCHITECTS INC.

900 High Street, Suite 1
Palo Alto, CA 94301
650.853.1000



SHEET SIZE REDUCED
ORIGINAL 30 X 42
REFER TO GRAPHIC SCALE

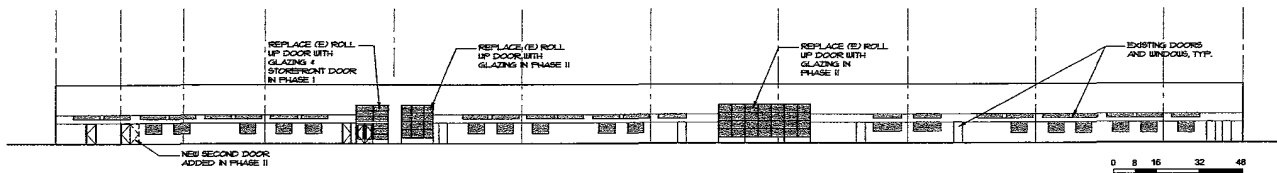
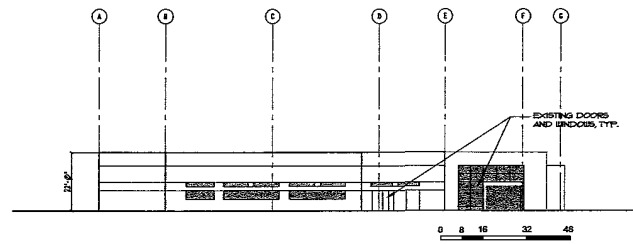
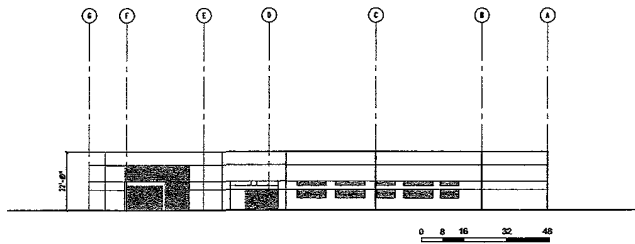
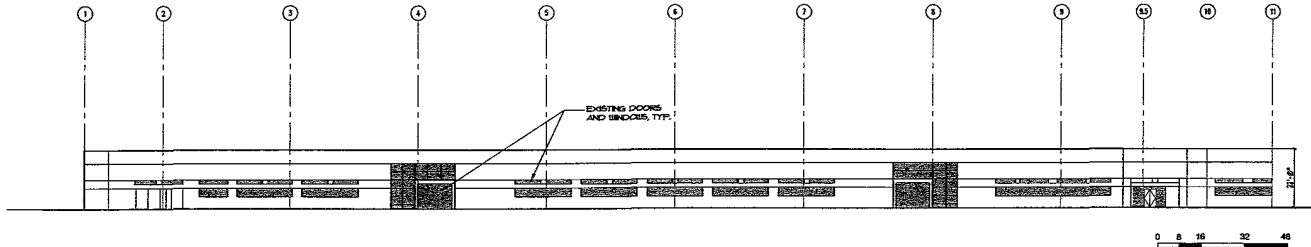
PROGRESS PRINT
NOT FOR CONSTRUCTION

REVISION
CLIP PLANNING RESUBMITTAL 01-20-04
PER PLANNING 03-02-04

PROJECT NO. 05-170
DATE DEC 8, 2003
DRAWN BY PDS
SCALE 1/8"=1'-0"

EXISTING
ELEVATIONS
SHEET
A3.0

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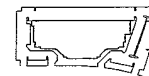


LIVING WORD BAPTIST CHURCH

Milpitas,
California
EVERLASTING
FOUNDATION

KO
ARCHITECTS INC.

800 High Street, Suite 1
Palo Alto, CA 94301
(650) 325-1500



KEY MAP

SHEET SIZE REDUCED
ORIGINAL 30 X 42
REFER TO GRAPHIC SCALE

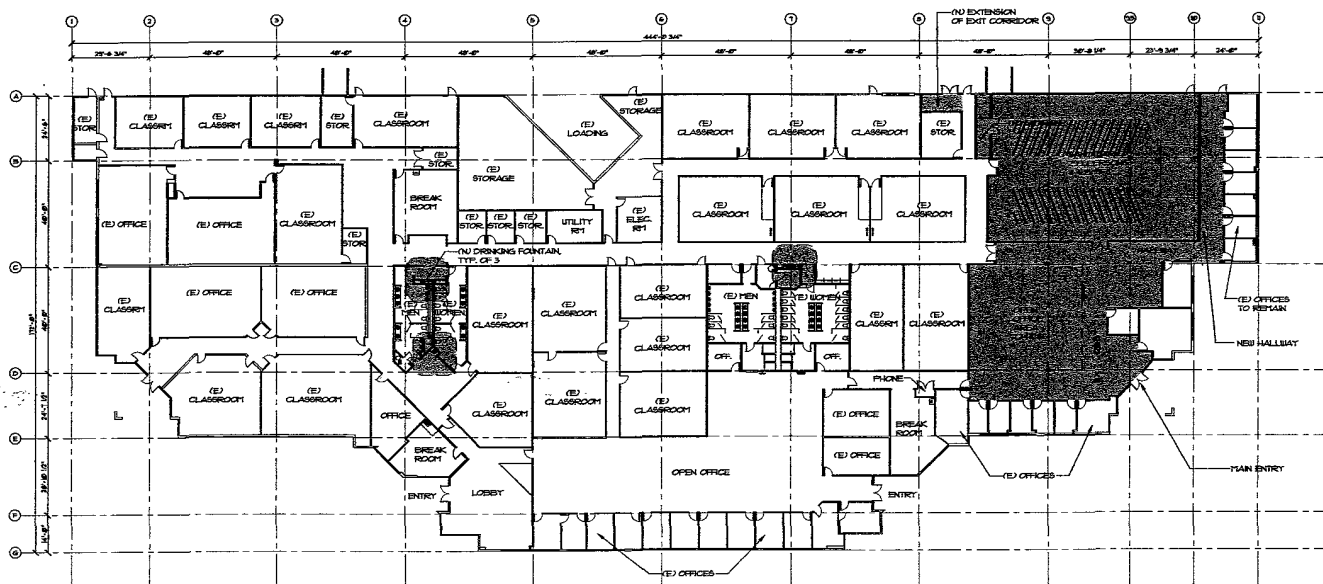
PROGRESS PRINT
NOT FOR CONSTRUCTION

REVISION
CIP-PLANNING REEPIITAL 05-25-04
PER PLANNING 05-02-04

REV. NUMBER PROJECT NO. 05-10
DATE DEC 1, 2003
DRAWN BY
SCALE 1/8" = 1'-0"

PRELIMINARY SHEET
FLOOR PLAN
A2.0a
PHASE 1

© KO ARCHITECTS INC.



0 8 16 32 48

AREA OF WORK

PHASE I - INTERIM USE OVERALL BUILDING FLOOR PLAN

1/8" = 1'-0"

1

EVERLASTING PRIVATE FOUNDATION
19770 Stevens Creek Boulevard, Cupertino, California 95014

March 3, 2004

Ms. Kim Duncan
Planner
Planning Department
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035-5411

Dear Kim:

Everlasting Private Foundation the owner of 1494 California Circle in Milpitas is a non-profit organization that is leasing the building out to the Living Word Baptist Church.

The Living Word Baptist Church is also a non-profit organization that has split-off from the Korean Baptist Church of San Jose to create a new congregation for their members in the Milpitas area.

The activities envisioned for the Living Word Baptist Church include, worship services, bible study, Korean study and youth activities.

The Living Word Baptist Church as a tenant is seeking the implementation of a phased use of the building, but anticipates the following hours of operation at its full capacity:

SUNDAY

Office Hours: 9:00am - 3:00pm; around 10 people in rooms: 1062-1067, 1150, 1154 and 1158

Living Word Service: 10:00am – 11:00am; around 150-250 people in room 001

Living Word Bible Study: 11:30am – 12:30pm; around 75% of the people attending Living Word Service in rooms 1062-1067

RECEIVED

MAR 03 2004

**CITY OF MILPITAS
PLANNING DIVISION**

Team Kid Worship: 10:00am – 12:30pm; around 5 children in room 10
Dreamland Worship: 10:00am – 12:30pm; around 35-100 children in
rooms 1029-1033

Adult Bible Study: 10:00am – 11:00am; around 75% of the people
attending the General Service in rooms: 1003-1017
(excluding 1013-1014)

General Service: 11:30am – 12:30pm; from 250-750 people in room
001

MONDAY

Closed

TUESDAY

Office Hours: 9:00am - 5:00pm; around 10 people in rooms: 1062-
1067, 1150, 1154 and 1158

Women's Bible Study: 9:00am – 11:30am; around 20 people in room 1005

LWF Teacher's Meeting: 7:30pm – 9:30pm; around 25 people in room 1008

CLD Study: 7:30pm – 9:30pm; around 25-50 people in rooms
1003, 1005, 1006, 1010 and 1011

WEDNESDAY

Office Hours: 9:00am - 5:00pm; around 10 people in rooms: 1062-
1067, 1150, 1154 and 1158

CLD Study: 9:00am – 11:30am; around 25 people in room 1003

Living Word Training: 7:30pm – 9:30pm; around 50 people in room 1007
and 1008

THURSDAY

Office Hours: 9:00am - 5:00pm; around 10 people in rooms: 1062-
1067, 1150, 1154 and 1158

Living Word Practice: 7:00pm – 10:00pm; around 25 people in room 001

CLD Study: 7:30pm – 9:30pm; around 25 people in room 1003

FRIDAY

Office Hours: 9:00am - 5:00pm; around 10 people in rooms: 1062-1067, 1150, 1154 and 1158

Youth Activities: 7:30pm – 10:00pm; around 200-300 people in room 010

Prayer Night: 7:30pm – 11:00pm; around 150 people in room 001

SATURDAY

Office Hours: 9:00am - 5:00pm; around 10 people in rooms: 1062-1067, 1150, 1154 and 1158

Korean Study: 9:00am – 12:00pm; around 150 people in rooms 1003-1017 (excluding 1013-1014)

Praise Team Practice: 10:00am – 12:00pm; around 25 people, rooms 2 and 5

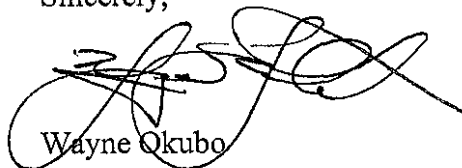
Young Adult Fellowship: 6:30pm – 10:00pm; 150-750, room 001

Choir Practice: 7:00pm – 9:00pm; around 50 people in room 002

These uses are depicted in the designated rooms that were anticipated by the Living Word Baptist Church in our lease discussions.

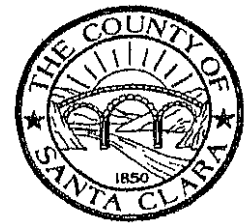
Please contact me if you have any further questions.

Sincerely,



Wayne Okubo

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665

ENVIRONMENTAL DECLARATION

For CLERK-RECORDER'S USE ONLY

POSTED ON FEB 20 2004 THROUGH MAR 11 2004
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY B. HORIUCHI, DEPUTY

FOR CLERK-RECORDER FILE STAMP

ENDORSED

FEB 20 2004

BRENDA DAVIS, County Clerk-Recorder
Santa Clara County
By B. HORIUCHI, Deputy

CLERK-RECORDER
FILE NO.

E11431

CA Dept. of Fish and Game
Receipt #

233766

NAME OF LEAD AGENCY: City of Milpitas
NAME OF APPLICANT: Living Word Baptist Church
Everlasting Foundation
CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. ☒ NOTICE OF PREPARATION
2. ☐ NOTICE OF EXEMPTION
3. NOTICE OF DETERMINATION
NEGATIVE DECLARATION PURSUANT TO PUBLIC RESOURCES CODE § 21080(C)
☐ \$1300.00 REQUIRED (\$1250.00 STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)
☐ CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT
ATTACHED - \$50.00 COUNTY CLERK FEE REQUIRED
4. NOTICE OF DETERMINATION
ENVIRONMENTAL IMPACT REPORT PURSUANT TO PUBLIC RESOURCES CODE § 21152
☐ \$900.00 REQUIRED (\$850.00 STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)
☐ CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT
ATTACHED - \$50.00 COUNTY CLERK FEE REQUIRED
5. Other: _____

NOTICE TO BE POSTED FOR 20 DAYS.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL ENVIRONMENTAL DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING.
CHECKS SHOULD BE MADE PAYABLE TO : COUNTY CLERK-RECORDER.

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, James T. Beall, Jr., Liz Kniss
Acting County Executive: Peter Kutas, Jr.



E11431

CITY OF MILPITAS

Mailing Address: 455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov
Temporary Location: 1210 Great Mall Drive

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

LIVING WORD BAPTIST CHURCH **EIA NO. EA2004-3**

NOTICE IS HEREBY GIVEN that a Mitigated Negative Declaration (a statement briefly describing the reasons that the proposed project, once mitigated, **will not** have a significant effect on the environment) has been completed by the City of Milpitas Planning Division for the operation of a church in the heavy industrial zoning district as described below.

Project Description: The project applicant is requesting Use Permit approval to operate a religious facility in a vacant research and development building located in the Dixon Landing Business Park. Proposed uses include religious worship services, religious study, administrative offices, and youth activities. No exterior building modifications are proposed.

Project Location: The project is located at 1494 California Circle, Milpitas, CA (APN: 022-37-011).

Document Availability: A copy of the Initial Study and Mitigated Negative Declaration (and all documents they reference) are available for review at the Planning Division, 455 East Calaveras Boulevard, Milpitas, CA 95035. You may also obtain a copy of the Initial Study and Mitigated Negative Declaration by calling Kim Duncan (408) 586-3283 and requesting one.

Public Review Timeline: Written public comment on the Initial Study and Mitigated Negative Declaration may be submitted between February 20, 2004 and March 10, 2004 to the Milpitas Planning Division, Attention Kim Duncan, 455 East Calaveras Boulevard, Milpitas, CA 95035.

Planning Commission Consideration: It is anticipated that the Planning Commission will consider this Mitigated Negative Declaration, all written comments received by March 10, 2004, and the project proposal at its meeting of March 10, 2004 at 7:00 p.m. Any person wishing to be heard on this item may attend this meeting and address the Commission. The meeting will be held in the Council Chambers at Milpitas City Hall, 455 East Calaveras Boulevard, Milpitas, CA.

Questions: If you have any questions on this project please contact Kim Duncan, Project Planner, City of Milpitas (408) 586-3283.



CITY OF MILPITAS

Mailing Address: 455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov
Temporary Location: 1210 Great Mall Drive

LIVING WORD BAPTIST CHURCH ENVIRONMENTAL IMPACT ASSESSMENT (EA2004-3) INITIAL STUDY

Project Description:

The proposed project is the operation of a religious facility in a vacant 61,122 square foot research and development building located at the Oak Creek Business Park. Proposed uses include administrative offices, religious worship services and classes, youth activities and cultural study classes. Though religious instruction will be provided, the project will not be operating as a school, as defined in the Milpitas Zoning Ordinance, Section 2.69 (institutions that offer instruction required for public schools by the California State Education Code). The proposed hours of operation will be weekday mornings for administrative office uses and small group bible study, as well as five evenings a week for religious study and prayer. In addition, religious services, study, cultural study and fellowship will be held on the weekends. The project does not include exterior modifications to the existing building.

The project site is located on a 5.45 acre parcel in the Dixon Landing Business Park, south of Dixon Landing Road and east of I880 and California Circle. Surrounding land uses include light industrial businesses, as well as restaurants and hotels that serve the area, such as Starbucks, Pacific Magtron, Ginix and Credence, to the north, northwest, west and south of the site. Multi-family residential uses are located east of the project site and single-family residential uses north of Dixon Landing Road. The project site is designated by the Milpitas General Plan, as well as currently zoned, Industrial Park (MP).

Responses Needing Clarification and Responses to Less Than Significant and Mitigated Impacts

Listed below are responses to all answers which need clarification or were checked "less than significant" and "less than significant with mitigation" on the checklist (Part II of this Initial Study). Responses here are presented in the same order in which they appear on the checklist:

Hazards and Hazardous Materials

Response to Question VII.b:

The project site is located within an existing industrial business park (Dixon Landing Business Park) which hosts businesses that transport, store and utilize various hazardous materials. The proposed project will introduce a sensitive population with low adult-child ratio to potential exposure of hazardous materials upon an accidental exposure event. However, the peak hours of operation for the project are primarily five evenings a week and all day on weekends. Therefore, the limited hours of operation for the proposed project will minimize sensitive receptor exposure to hazardous materials from nearby industrial activities during normal daytime operations.

The project's Risk Assessment outlined the most significant potential impacts for this site to be those that are created from an incident involving toxic substances generated from neighboring industrial properties, such as gasoline from Chevron, polymeric isocyanate from Ecyclel, or perchloroethylene from D&H Manufacturing. According to the results of the Risk Assessment, potential impacts from these off-site risks can be reduced to a non-significant level by the preparation of a Site Emergency Preparedness Plan for the building that addresses evacuation procedures, shelter-in-place program and ventilation system shut-down safety controls.

The Fire Department reviewed the submitted Risk Assessment and recommended safety measures for the proposed religious facility that include a wind directional sock and Emergency Preparedness Plan that addresses in-place communication system, and ventilations system with manual shutoff control. The Plan shall be updated on an annual basis and describe the evacuation/shelter-in-place program and all related emergency procedures. In addition, the Fire Department recommends the applicant annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards for the protection of occupants at the site.

Mitigation Measure 1: *The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.*

Mitigation Measure 2: *The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.*

Mitigation Measure 3: *The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred.*

Mitigation Measure 4: *The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards of the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.*

Mandatory Findings of Significance

Response to Question XVII.c:

The project's potential for adverse effects on humans were discussed under Hazards and Hazardous Materials.



CITY OF MILPITAS

E11431

Mailing Address: 455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov
Temporary Location: 1210 Great Mall Drive

MITIGATED NEGATIVE DECLARATION **ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA2004-3**

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE LIVING WORD BAPTIST CHURCH, WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: Living Word Baptist Church

Project Description: The project applicant is requesting Use Permit approval to allow for the operation of a religious facility within an existing 61,122 square foot building, located in an industrial park (Dixon Landing Business Park). Proposed uses include administrative offices, religious worship services, religious study, and youth activities. The project does not include exterior building modifications.

Project Location: Existing 61,122 square foot building located at 1494 California Circle (APN: 022-37-011).

Project Proponent: Everlasting Private Foundation, 19770 Stevens Creek Boulevard, Cupertino, CA 95014.

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form and the Initial Study and finds that the project will have no significant impact upon the environment with the implementation of the following mitigation measures, as recommended in the EIA.

Required Mitigation Measures:

Mitigation Measure 1.: *The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.*

Mitigation Measure 2: *The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.*

Mitigation Measure 3: *The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred.*

Mitigation Measure 4: *The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards of the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.*

E11431

Copies of the E.I.F. and E.I.A. may be obtained at the Milpitas Planning Department, 455
E. Calaveras Boulevard, Milpitas, CA 95035.

By: Kim Dineen
Project Planner
2/20/04



**ENVIRONMENTAL
IMPACT ASSESSMENT NO: EA2004-3**

E11431

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: Kim Duncan

February 19, 2004
date

Title: Junior Planner

1. Project title: LIVING WORD BAPTIST CHURCH
2. Lead Agency Name and Address: CITY OF MILPITAS, 455 E. CALAVERAS BLVD., MILPITAS, CA 95035
3. Contact person and phone number: WAYNE OKUBO, (408) 343-1088 x 7335
4. Project location: 1494 CALIFORNIA CIRCLE, MILPITAS, CA 95035
5. Project sponsor's name and address:
EVERLASTING PRIVATE FOUNDATION, 19770 STEVENS CREEK BOULEVARD, CUPERTINO, CA 95014

6. General plan designation: Industrial Park
7. Zoning: Industrial Park
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Operation of a religious facility in a vacant 61,122 square foot research and development building located in an Industrial Park zoning district. Uses include religious worship, study classes, administrative offices, cultural classes and fellowship.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The project site is located on a 5.45 acre parcel in the Dixon Landing Business Park, south of Dixon Landing Road and east of I880 and California Circle. Surrounding land uses include light industrial businesses, as well as restaurants and hotels that serve the area, such as Starbucks, Pacific Magtron, Ginix and Credence, to the north, northwest, west and south of the site. Multi-family residential uses are located east of the project site and single-family residential uses north of Dixon Landing Road. The project site is designated by the Milpitas General Plan, as well as currently zoned, Industrial Park (MP).

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

E11431

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: February 20, 2004

Project Planner:

Kim Duncan
Signature

Kim Duncan

Printed Name

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 18
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 18
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 18
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 18
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 17
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 17,18
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 17,18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

III. AIR QUALITY: (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,9
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,9
IV. BIOLOGICAL RESOURCES: Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18

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WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18,26
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,15 16
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,15 16
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,15 16
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,15 16
VI. GEOLOGY AND SOILS: Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11, 22

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11, 22
VII. HAZARDS AND HAZARDOUS MATERIALS:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,27
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,27
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,27

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,27
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,27
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18, 27
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20, 23
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21, 23
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18, 20
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,13,18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,12 13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
XI. NOISE:						
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
XIII. PUBLIC SERVICES:						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
XIV. RECREATION:						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,19
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18,19
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,13,15,16,17,18,26
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,27

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001, Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Other: Milpitas Municipal Code
27. Other: Milpitas Fire Department

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

The following discussion includes explanations of answers to the above questions regarding potential environmental impacts, as indicated on the preceding checklist. Each subsection is annotated with the number corresponding to the checklist form.

EXISTING SETTING:

The project site is located on a 5.45 acre parcel in the Dixon Landing Industrial Park, south of Dixon Landing Road and east of I880 and California Circle. Surrounding land uses include light industrial businesses to the north, northwest, west and south of the site. Residential uses are located east of the project site and north of Dixon Landing Road. The project site is designated by the Milpitas General Plan, as well as currently zoned, Industrial Park (MP).

PROJECT DESCRIPTION:

The applicant is proposing to operate a religious facility in a vacant 61,122 square foot research and development building located in the Dixon Landing Business Park. Proposed uses include administrative offices, religious classes, worship, Korean study, youth activities and parishioner fellowship.

Attachment to Living Word Baptist Church, UP2003-59
Project Number EA2004-3

Discussion of Checklist/Legend

PS: Potentially Significant Impact
LS/M: Less Than Significant with Mitigation Incorporation
LS: Less Than Significant Impact
NI: No Impact

I. AESTHETICS

Environmental Impacts

- a) Would the project have a substantial adverse effect on a scenic vista? NI.
- b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? NI.
- c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings? NI.
- d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? NI.

II. AGRICULTURE RESOURCES

Environmental Impacts

- a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? NI.
- b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? NI.
- c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? NI.

III. AIR QUALITY

Environmental Impacts

- a) Would the project conflict with or obstruct implementation of the applicable air quality plan? NI.
- b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? NI.
- c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? NI.
- d) Would the project expose sensitive receptors to substantial pollutant concentrations? NI.
- e) Would the project create objectionable odors affecting a substantial number of people? NI.

IV. BIOLOGICAL RESOURCES

Environmental Impacts

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? NI.
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? NI.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? NL
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? NL
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? NL
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? NL

V. CULTURAL RESOURCES

Environmental Impacts

- a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? NL
- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? NL
- c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? NL
- d) Would the project disturb any human remains, including those interred outside of formal cemeteries? NL

VI. GEOLOGY AND SOILS

Environmental Impacts

- a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. NL
 - ii) Strong seismic ground shaking? NL
 - iii) Seismic-related ground failure, including liquefaction? NL

iv) Landslides? NI.

b) Would the project result in substantial soil erosion or the loss of topsoil? NI.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? NI.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? NI.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? NI.

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Impacts

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? NI.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? LS/M.

Impact 1. The proposed project site is located in an existing industrial park developed with businesses such as Chevron, eCycle, D&H Manufacturing and Xoft Cicro Tube. The applicant is proposing to operate a religious facility in an existing research and development building which could subject sensitive receptors (children and elderly) to hazardous materials in the event of an accidental release. According to a risk assessment submitted by the applicant, there are 4 facilities within ¼ mile of the project site that contain or use hazardous materials in excess of threshold planning quantities, therefore the impact would be considered significant unless mitigated. However, the risk assessment recommends preparation of a Emergency Preparedness Plan (Plan) that incorporates evacuation procedures, a shelter-in-place program, and ventilation system shut down safety controls. In addition, the Milpitas Fire Department recommends the applicant install an in-place communication system, annual updates of the Plan and annual reviews of the Risk Assessment survey. Therefore, with these programs in place, the impacts would be reduced to a level of less than significant with mitigation incorporation.

MM 1: The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The

Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.

MM 2: The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.

MM3: The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred.

MM 4: The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards of the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? NI.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? NI.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project site? NI.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project site? NI.

g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? NI.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? NI.

VIII. HYDROLOGY AND WATER QUALITY

Environmental Impacts

a) Would the project violate any water quality standards or waste discharge requirements? NI.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? NL

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? NL

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? NL

e) Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? NL

f) Would the project otherwise substantially degrade water quality? NL

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? The project site contains areas that lie within Zone A which is subject to a 100 year flood hazard and Zone X which is subject to a 500 year flood hazard. NL

h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows? NL

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? NL

j) Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? NL

IX. LAND USE AND PLANNING

Environmental Impacts

a) Would the project physically divide an established community? NL

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? NL

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan? NL

X. MINERAL RESOURCES**Environmental Impacts**

- a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? NL
- b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? NL

XI. NOISE**Environmental Impacts**

- a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? NL
- b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? NL
- c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? NL
- d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? NL
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project site to excessive noise levels? NL
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project site to excessive noise levels? NL

XII. POPULATION AND HOUSING**Environmental Impacts**

- a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? NL
- b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? NL
- c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? NL

XIII. PUBLIC SERVICES

The project site is served by the following service providers:

- Fire Protection. Fire protection is provided by the City of Milpitas Fire Department which provides structural fire suppression, rescue, hazardous materials control and public education services.
- Police Protection. Police protection is provided by the City of Milpitas Police Department.
- Schools. Educational facilities are provided by the Milpitas Unified School District that operates kindergarten through high school services within the community. Schools that would serve the project include Milpitas High School (grades 9-12), middle schools (grades 6-8) and elementary schools (grades K-5).
- Maintenance. The City of Milpitas provides public facility maintenance, including roads, parks, street trees and other public facilities. Milpitas' Civic Center is located at 455 E. Calaveras Boulevard.
- Other governmental services. Other governmental services are provided by the City of Milpitas including community development and building services and related governmental services. Library service is provided by the Santa Clara County Library.

Environmental Impacts

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection? NI.

Police Protection? NI.

Schools? NI.

Parks? NI.

Other Public Facilities? NI.

XIV. RECREATION

Environmental Impacts

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? NI

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? NI

XV. TRANSPORTATION/TRAFFIC

Major roadways serving the site include: Dixon Landing Road and Interstate 880.

Environmental Impacts

Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? NI

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? NI

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? NI

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). NI

e) Result in inadequate emergency access? NI

f) Result in inadequate parking capacity? NI

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? NI

XVI. UTILITIES AND SERVICE SYSTEMS --

The project site is served by the following service providers:

- Electrical and natural gas power: Pacific Gas and Electric Company
- Communications: AT&T and Southern Bell Corporation
- Water supply: Provided by the City of Milpitas with the wholesale providers being either the San Francisco Water Department or the Santa Clara Valley Water District
- Recycled water: South Bay Water Recycling Program

- Sewage treatment: Provided by the City of Milpitas and treated at the San Jose/Santa Clara Water Pollution Plant in San Jose.
- Storm drainage: City of Milpitas
- Solid waste disposal: Disposal is at the Newby Island Landfill, operated by BFI
- Cable Television: Comcast

Environmental Impacts.

Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? NL
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? NL
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? NL
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? NL
- e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? NL
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? NL
- g) Comply with federal, state, and local statutes and regulations related to solid waste? NL

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? NL
- b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? NL

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? LS/M.

Impact 1. The proposed project site is located in an existing industrial park developed with businesses such as Chevron, eCycle, D&H Manufacturing and Xoft Cicro Tube. The applicant is proposing to operate a religious facility in an existing research and development building which could subject sensitive receptors (children and elderly) to hazardous materials in the event of an accidental release. According to a risk assessment submitted by the applicant, there are 4 facilities within 1/4 mile of the project site that contain or use hazardous materials in excess of threshold planning quantities, therefore the impact would be considered significant unless mitigated. However, the risk assessment recommends preparation of a Site Emergency Preparedness Plan that incorporates evacuation procedures, a shelter-in-place program, and ventilation system shut down safety controls. In addition, the Milpitas Fire Department recommends the applicant design an airborne chemical monitoring system, in-place communication system, annual update of the Emergency Action Plan and annual reviews of the Risk Assessment survey. Therefore, with these programs in place, the impacts would be reduced to a level of less than significant with mitigation incorporation.

MITIGATION MONITORING PROGRAM

LIVING WORD BAPTIST CHURCH AT 1494 CALIFORNIA CIRCLE ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2004-3 (USE PERMIT NO. UP2003-59)

Mitigation Measure	Implementation, Responsibility & timing	Monitoring Responsibility	Shown on Plans	Verified Implement.	Remarks
<p><u>Mitigation Measure 1:</u></p> <p><i>The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.</i></p>	<p><i>Responsibility: Applicant</i> <i>Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility:</i> Fire Division</p>	<div>initials</div> <div>date</div>	<div>initials</div> <div>date</div>	
<p><u>Mitigation Measure 2:</u></p> <p><i>The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.</i></p>	<p><i>Responsibility: Applicant</i> <i>Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility:</i> Fire Division</p>	<div>initials</div> <div>date</div>	<div>initials</div> <div>date</div>	

<p><u>Mitigation Measure 3:</u> <i>The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred</i></p>	<p><i>Responsibility: Applicant Timing: Prior to issuance of any building permits</i></p>	<p><i>Responsibility: Fire Division</i></p>	<div>initials</div> <div>date</div>	<div>initials</div> <div>date</div>	
<p><u>Mitigation Measure 4:</u> <i>The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards of the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.</i></p>	<p><i>Responsibility: Applicant Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility: Fire Division.</i></p>	<div>initials</div> <div>date</div>	<div>initials</div> <div>date</div>	